

## REMARKS

### I. Summary of the Office Action

Claims 1, 2, 4-7, 13-15, 17-20, 26-28, 30-33, 39-45, 47 and 52-59 are pending in this application.

Claims 1, 4-5, 13-14, 17-18, 26-27, 30-31, 39-40, 42-43, 47 and 52-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Young et al. U.S. Patent 4,706,121 ("Young") in view of Richards et al. U.S. Patent 5,179,654 ("Richards").

Claims 2, 6-7, 15, 19-20, 28, 32-33, 41, and 44-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Young in view of Richards, and further in view of Palmer et al. U.S. Patent 6,320,588 ("Palmer").

### II. Reply to the 103 Rejections

In the Office Action, the Examiner rejected independent claims 1, 14, 27 and 40 as being obvious over Young in view of Richards. Applicants respectfully traverse the Examiner's rejections.

In particular, the Examiner concedes that Young fails to show applicant's claimed feature of "track[ing] and stor[ing] a current operating mode of the electronic program guide as the user operates the electronic television program guide, wherein the electronic television program guide has a plurality of operating modes" (claims 1, 14, 27 and 40), and attempts to make up for this deficiency using Richards.

The Examiner cites numerous, large portions of Richards in an attempt to show applicant's claimed feature of tracking and storing a current operating mode. In particular, the Examiner cites "FIGS. 1-4, col. 1, l. 61-col. 2, l. 61, col. 3, l. 1-col. 4, l. 33, col. 5, ll. 8-25, l. 46-col. 6, l. 9, col. 7, l. 7-47 and 47-col. 8, l. 1+," and contends that "the user navigates through menus and Microprocessor 10 tracks and store each menu and also items within each menu to dynamically provide different levels of help information based on the mode of operation of a menu" (Office Action, p. 5). These cited portions include almost all of the Disclosure of the Invention section, and constitute almost one half of the description of the invention in the Richards specification (i.e., excluding the programming specifications listed from col. 11 to col. 91). Applicants respectfully submit that none of these numerous portions show applicant's claimed feature of tracking and storing a current operation mode of the guide. Applicants will now address each cited section in turn.

FIG. 1-4 include a block diagram of hardware components, a schematic view of the help available (e.g., tutorial, help map, glossary), and two displays of help information. None of these figures remotely show or suggest tracking and storing a current operating mode of the electronic program guide.

Col. 5, ll. 8-25 describes the manner in which the user may provide instructions to the system. For example, the

user may use a keyboard (and help key F1) or a mouse (col. 5, ll. 10-15). This portion of Richards does not show or suggest tracking and storing a current operating mode of the electronic program guide.

Col. 5, l. 46-col. 6, l. 9 describes the display manager. The display manager may present numerous logical screens on which data may be entered (col. 3, ll. 49-57). This portion of Richards does not show or suggest tracking and storing a current operating mode of the electronic program guide.

Col. 7, l. 7-47 describes first and second level help available to the user. First level help includes a message displayed in a pop-up window that is related to the box or panel at which the pointer is directed (col. 7, ll. 25-34). Second level help includes more text than first level help, and is related to the application that the user is in (col. 7, ll. 36-47). This portion of Richards does not show or suggest tracking and storing a current operating mode of the electronic program guide.

Col. 7, l. 47-col. 8, l. 1+ describes the manner in which the user may access the glossary, the help map, and third level help information (e.g., a tutorial) (col. 7, ll. 48-65). This portion of the specification also specifies that the Help Text may be invoked through the initial help request or from the Help Map, the Help Map may be invoked using the option in the Help Text window, the Glossary may be

invoked using the option in the Help Text window or in the Tutorial window, and the Tutorial may be invoked from the Help Text window (col. 8, ll. 9-37). Again, this portion of Richards does not show or suggest tracking and storing a current operating mode of the electronic program guide.

Col. 1, ll. 61-col. 2, ll. 61 and col. 3, ll. 1-col. 4, ll. 33 include substantially the entire Disclosure of the Invention section. This portion of Richards describes the data processing system of the Richards patent. The data processing system provides help text and an associated help map concurrently with the information related to the task in hand which was being displayed when help was requested (col. 2, ll. 5-7). The user can select an entry on the help map to display other help information (col. 2, ll. 43-48). The help map may be static or dynamic, and may be viewed by scrolling, panning, or branching along different entries of the help map (col. 3, ll. 52-col. 4, ll. 15). A glossary may also be used to provide definitions for selected words (col. 4, ll. 27-33). The help text displayed is selected based on the current state of the system (col. 2, ll. 5-14). In particular, the system addresses a help text store using a key obtained from a key table to which the system variables are applied (col. 3, ll. 17-27). The system variables, however, are not tracked and stored, as suggested by the Examiner. Instead, Richards sets the system variables defining the current state of the system in response to the

user requesting second level help text (col. 8, ll. 58-68).

It is only in response to receiving the help request, and not at any other time (e.g., tracking while the user is simply using the system), that the system variables are known and that contextual help information becomes available. This, the Disclosure of the Invention portion of Richards does not show or suggest tracking and storing a current operating mode of the electronic program guide.

As shown in the preceding analysis of the portions of Richards to which the Examiner points, none of the portions suggest, much less show, applicants' claimed feature of tracking and storing a current operating mode of the electronic television program guide. Instead, these portions merely show that Richards provides: (1) first level help information that "relates to the area under the pointer. The help provided is associated with either the box or panel at which the pointer is directed" (col. 7, ll. 27-29), where the information is "provided by the application concerned" (col. 7, ll. 34-35); (2) second level help information that, when invoked, causes the current application to "set system variables defining the current state of the application and . . . call the help program" (col. 8, ll. 60-62), where the set system variables are used to determine what help information to provide (see col. 3, ll. 1-12); and (3) third level help information (i.e., the tutorial) that provides explanatory information on principles, facilities, and typical

tasks (col. 7, l. 66-col. 8, l. 1). None of these three levels of help are provided as a result of tracking and storing a current operation mode of the guide, as required by applicant's claims.

Furthermore, applicants respectfully submit that even the Examiner does not contend that Richards shows applicant's claimed feature of tracking and storing the current operation mode of the guide. Instead, the Examiner contends that "Microprocessor 10 tracks and stores each menu and also items within each menu to dynamically provide different levels of help information based on the mode of operation of a menu" (Office Action, p. 5, emphasis added). Even assuming, as the Examiner contends, that Richards shows or suggests tracking and storing each menu and also items within each menu (which it does not, as shown above), menu items are not modes of operation of an electronic program guide, and thus the Examiner's contention fails to show applicant's claimed feature.

In view of the foregoing, even if it were obvious to combine Richards with Young, the combination would fail to show or suggest tracking and storing the current operating mode of an electronic television program guide as a user operates the guide and fails to show or suggest providing help information based on the stored current operating mode as required by applicants independent claims 1, 14, 27, and 40. Accordingly, applicants respectfully submit that the Examiner

has not established a *prima facie* case of obviousness, because the prior art references, when combined, fail to teach or suggest all of the claim limitations (MPEP § 2143).

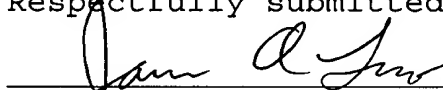
Applicants respectfully request that, if the Examiner maintains his rejection, the Examiner point out in Richards the specific portions of the reference that the Examiner believes show applicants' claimed feature, instead of citing large and unrelated portions of the reference.

For at least the foregoing reasons, applicants submit that independent claims 1, 14, 27, and 40 and dependent claims 2, 4-7, 13, 15, 17-20, 26, 28, 30-33, 39, and 41-45, 47, and 52-59 are found allowable over Richards, Young and Palmer. Therefore, the rejections of claims 1, 2, 4-7, 13-15, 17-20, 26-28, 30-33, 39-45, 47, and 52-59 should be withdrawn.

### III.. Conclusion

In view of the foregoing, claims 1, 2, 4-7, 13-15, 17-20, 26-28, 30-33, 39-45, 47, and 52-59 are in condition for allowance. This application is therefore in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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